

(2025) 12 GUJ CK 0029

Gujarat High Court

Case No: R/First Appeal No. 95 Of 2022

The New India Assurance Co Ltd

APPELLANT

Vs

Geetaben Devrajbhai Bhuvu &
Ors

RESPONDENT

Date of Decision: Dec. 17, 2025

Acts Referred:

- Motor Vehicles Act, 1988-Section 173

Hon'ble Judges: Hasmukh D. Suthar, J

Bench: Single Bench

Advocate: Palak H Thakkar, Tushar L Sheth

Final Decision: Dismissed

Judgement

Hasmukh D. Suthar, J

[1.0] Insurance Company is in First Appeal under section 173 of the Motor Vehicles Act, 1988. Challenge is made to the judgment and award dated 16.04.2021 passed by the learned Motor Accident Claim Claims Tribunal (Auxi.), Gondal in Motor Accident Claim Petition No.69 of 2005.

[2.0] Perusal of the judgment and award indicates that Insurance Company has challenged the judgment and award made to the tune of Rs.4,17,500/- to the victim of the road accident.

[3.0] Heard learned advocates for the respective parties.

[4.0] Since the amount involved in the First Appeal is less very paying due regard to smallness of amount, this Court is of the considered view that the First Appeal should be disposed of as compensation awarded seems to be just and reasonable and no interference is called. It is hereby made clear that this First Appeal is disposed of only on the ground of award of compensation being meager and small and less. This Court has not expressed any opinion on merits and question of law

raised in this First Appeal and is kept open to be urged in other proceedings which may arise from the same road accident / same judgment and award. It is made clear that this order will not come in the way of adjudication of any other First Appeal pending against same judgment and award or adjudication of any other claim petition arising from same road accident. Since the First Appeal is disposed of only on the contention of monetary value being less, principle of res judicata shall not be applied to any other proceedings arising from the same road accident or same judgment and award.

[5.0] In view of above, the First Appeal is dismissed. Pending Civil Applications, if any, stands disposed of as having become infructuous. No order as to costs. Interim relief if any stands vacated.

[6.0] Record and Proceedings and amount, if any lying before this Court is ordered to be transmitted to the concerned Tribunal forthwith along with accrued interest, if any. The entire awarded amount be disbursed and released in favour of the claimants after due verification by transferring the said amount to the account of the claimants either by RTGS or NEFT mode.